

LEGAL & JUSTICE ISSUES

20 Policing Street Youth in Toronto

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Get rid of the crooked ones, the rude ones that walk by. I have a lot of homeless friends and I've seen police walk by and just treat them like dirt on their shoe. That's wrong. Some people don't ask to be homeless and police just treat them like pieces of shit. It's wrong in many ways.
(Female street youth)

In 2003 the city of Toronto launched an advertising campaign to combat the negative press it received due to SARS (City of Toronto, n.d.). As part of this initiative, the new slogan, "Toronto: You Belong Here" was created. The goal of this campaign was to revive the struggling tourism industry and bring new visitors into the city. Yet, despite this warm and inclusive sentiment, the city of Toronto has not always strived to create a welcoming environment for all. In a recent interview with the *Toronto Sun*, Deputy Mayor Doug Holyday made it clear that homeless individuals do not belong in Toronto. He was quoted as saying,

I don't know if it's a matter of tossing them in jail but it's letting them know they're not allowed to utilize public space [in a way] that makes it their own. I know in New York City, they don't allow people to sleep on sidewalks or public benches and they move them on. We should look at what other jurisdictions are doing (as cited in Yuen, 2011).

In Toronto, as in New York and other cities across North America, homelessness is increasingly thought of as a policing matter.

In this chapter we draw on research conducted with 244 homeless youth and discuss the frequent interactions these young people have with law enforcement officials in Toronto and the effect this has on their experiences of being homeless in the city. We argue that the current response to homelessness – that is, one that focuses on emergency services like shelters, drop-in centres, and food programs – does little to prevent and/or move people out of homelessness. While these social programs are necessary and helpful, they often have the unintended consequence of making homelessness – and homeless individuals – more visible to the general public and the police. Lacking access to private spaces, homeless persons spend much of their time in public areas, such as parks and city streets. In Toronto, as in many other cities, this visibility is met with a law-and-order response. As demonstrated in the previous quote from Deputy Mayor Doug Holyday, the signs of homelessness – sleeping outside, sitting on sidewalks, and asking others for money – become viewed by some prominent city officials as threats to urban safety and consequently a policing matter.

This response does not go unnoticed by the young people confronted by it. Our research shows quite clearly that street youth in Toronto have frequent interactions with police officers. In this chapter we examine three questions related to these interactions. Given that the literature consistently shows street youth are more likely to be involved in crime than their housed peers (Baron et al., 2001; Baron & Hartnagel, 1997; Hagan & McCarthy, 1997; Tanner & Wortley, 2002), we ask to what extent our participants are involved in crime and delinquent acts. Secondly, we question whether the increased police attention they receive is due to their involvement in crime, and if not, what other factors might account for their frequent encounters. Finally, we ask what short and long term consequences exist for these young people as a result of their encounters with law enforcement.

Research studies, such as ours, that focus on policing practices have become particularly important in recent years, with the growing recognition that many police encounters involve a certain degree of officer discretion or choice. It has been shown, for example, that police officers may focus their attention excessively on visible minorities (Wortley & Tanner, 2003; Satzewich & Shaffir, 2009), a practice commonly referred to as racial profiling. According to the Ontario Human Rights Commission (2011), racial profiling can be defined as,

[...] any action undertaken for reasons of safety, security or public protection, that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin, or a combination of these, rather than on a reasonable suspicion, to single out an individual for greater scrutiny or different treatment (n.p.).

The logic behind racial profiling can be extended to include notions of social profiling. Under social profiling, some individuals are flagged for increased police attention based on factors such as poverty and/or homelessness (Sylvestre, 2011).

In recent years the practices of racial and social profiling have become issues of interest to researchers. The concept of social profiling is of particular importance to those who work with marginalized populations such as homeless youth, because it serves as the basis for what has come to be known as the criminalization of homelessness. It is this concept that we will use throughout the chapter to examine the city of Toronto's response to youth homelessness, the interactions that homeless youth have with law enforcement officials, and the effects of these encounters on the daily lives of these youth, their perceptions of police officers, and their longer-term ability to move off the street and out of homelessness.

The Criminalization of Homelessness

...given what we know about the nature of the 'homeless' population and many of those who engage in disorderly behavior on our streets: while some may be passive or benign in their speech and acts, many more are scam artists, substance abusers feeding alcohol or drug habits, mentally ill, or have criminal records. (Kelling & Coles, 1997:230)

In Toronto the systemic response to homelessness mainly consists of services and supports designed to help those who are 'down on their luck'. While there is no denying that homeless individuals need emergency shelters, meal programs, and drop-in centres, the lack of preventive and transitional supports is an obvious flaw of the system. This lack of initiatives that work to keep people from becoming homeless or to help move them off the streets results in heavy use of emergency services (like shelters and drop-ins). Due to the large clientele of many of these agencies, homeless individuals often sleep, eat, and spend their time together in large groups. Lacking their own private spaces, many of these individuals spend a great deal of time outside in areas used by the general public. When homelessness is made visible in this way, city officials and members of the public may see it as a problem for law enforcement to address.

Many jurisdictions in Canada and the United States have responded to the growing visibility (inconvenience?) of homelessness with measures that have sought to restrict the rights of homeless people to occupy and inhabit public spaces such as street corners and parks, and which prohibit behaviours such as sleeping in public, or earning money through begging or squeegee cleaning. It is when the use of policing and the criminal justice system becomes a central feature of the response to homelessness, that we refer to the 'criminalization of

homelessness', intended to contain and restrict the activities and movements of people who are homeless and reduce their presence in public spaces, often with the outcome of fines and/or incarceration. The key here is that people who occupy public spaces (because they lack private ones) and whose poverty is highly visible are subject to extra attention by the criminal justice system not so much for what they do, but for *who* they are and *where* they are.

The criminalization of homelessness can involve the creation of new laws and statutes targeting people who are homeless, a key Canadian example being the Ontario Safe Streets Act¹. While legal prohibitions of this kind do not directly restrict the rights of the homeless to occupy public spaces, they indirectly target them by banning behaviours they commonly engage in. For instance, legislation of this kind may prohibit sleeping in public places, sitting on sidewalks, and/or soliciting others for money through acts like squeegeeing and panhandling (Foscarinis et al., 1999; National Law Center on Homelessness & Poverty, 2006; 2009). In addition to creating new laws, police may also rely on increased enforcement of existing laws to target homeless individuals (National Law Center on Homelessness & Poverty, 2006; 2009; Harcourt, 2001; McArdle & Erzen, 2001). This can be seen when police are deployed to clear homeless tent cities and squatter settlements, for the official purpose of enforcing health and safety standards (Culhane, 2010; Guy & Lloyd, 2010; Wright, 1997).

These kinds of policing practices, and the underlying public views that guide them, do not occur in a vacuum, and must be understood in the context of broader, often political, social justice issues. For example, on-going debates of this nature may focus on the rights of certain individuals to occupy public spaces and/or the increasingly punitive and marginalizing law-and-order measures being taken by cities like Toronto in the name of public safety. In an effort to draw the public's attention to the underlying injustice of these targeted policing practices, researchers have increasingly sought to show how the experience and status of homelessness is being criminalized (Crocker & Johnson, 2010; Hermer & Mosher, 2002).

Politicians, policy makers, and police officials all want to be seen as taking decisive action against those who are deemed disruptive². Earning public favour is a top priority for these officials and restoring/maintaining order

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1. The *Ontario Safe Streets Act* (OSSA) exists as one of the clearest and most obvious examples of laws that contribute to the criminalization of homelessness. The OSSA, which came into effect in January 2000, in response to the growing visibility of homelessness in Toronto and other major cities in the 1990s, is provincial legislation designed to address aggressive panhandling and squeegeeing. While never mentioning homelessness specifically, the Act clearly targets homeless persons.
 2. What gets overlooked is that these very same individuals – politicians, policy makers, and police officials, along with the media – are often the ones who convince the public that a threat to urban order exists (and is caused by certain individuals) in the first place.

is a platform that many citizens can and will support. Thus, those who are homeless become targets of legislative measures and policing practices that seek to discourage (or sometimes even outright ban) them from using public spaces. This is based on a philosophy of action that many will no doubt recognize as stemming from broken windows theory³.

We argue that a broken windows style of policing is being used in Toronto, and likely in other Canadian cities, to regulate the perceived disorderly behaviour of homeless youth in public spaces. We are not arguing that all interaction between these youth and police is unfair. As will be discussed, homeless youth are generally more involved in crime than their housed peers (Baron et al., 2001; Baron & Hartnagel, 1997; Hagan & McCarthy, 1997; Tanner & Wortley, 2002) and this likely accounts for at least part of the increased police attention they receive. However, the criminal involvement of some youth (and it is worth pointing out that not all targeted youth are involved in crime) is only one factor in their unusually high number of police encounters. The criminalization of homelessness accounts for many of these encounters as well.

There is no doubt that homeless youth in Toronto receive more attention from the police than do other groups. In the remainder of the chapter we outline the results of our study, focusing first on the extent of our participants' criminal involvement. We then examine whether this criminality is enough in itself to account for the high levels of police contact – and if not, what other factors might account for this attention. Finally, we examine the effects these frequent encounters have on homeless youth, with a particular focus on their ability to transition off the street and out of homelessness. We end the chapter with a discussion about why the policing of homeless youth is an important issue and what can be done to address the criminalization of homelessness.

The Study

When social scientific work is undertaken at least in part to convey another people's sense of their needs, the problems are as much political as they are methodological. (Brody, 1983:xiv)

The research discussed in this chapter draws on a larger study into the experiences of homeless youth in relation to legal and justice issues. Between January and July 2009, we met with 244 young people between the ages of 16 to 24 and

3. The concept of 'broken windows policing' was first introduced by Wilson and Kelling (1982). It refers to a style of policing that is intended to eliminate 'disorder' by targeting activities that are believed to lead to more serious crime. Drinking in public and squeegee cleaning are examples of the kinds of disorder that broken windows policing targets.

asked them to complete both a written survey and semi-structured interview⁴. The study, conducted in partnership with Justice for Children and Youth⁵, examined encounters between street youth and the police from the perspective of the young people themselves. As such, it must be noted that members of the Toronto Police Service were not consulted as part of this project.

Our participants were recruited through a range of agencies serving street youth in downtown Toronto and the surrounding suburbs. Participants had to be between 16 and 24 years of age and had to have been homeless (including staying in emergency shelters) or without shelter for at least one week during the previous month. Participants were given \$20 compensation for filling out a standard questionnaire and engaging in an interview with a member of the research team. Due to the sensitive nature of the research, measures were taken to protect participants, such as obtaining ethics approval through York University, protecting participants' anonymity, and conducting research in places where trained counsellors were available on-site.

Being young, homeless, and street-involved means there were many different situations in which our participants might encounter the police (for example, as victims or witnesses of crime, as well as suspects). In our study, we asked street youth to talk about any incidents in which they may have been involved with the Toronto Police Service. Our study focused on encounters in the last twelve months but also included questions about their experiences more generally since becoming homeless. Whenever possible, the youth were asked to describe the details of these encounters, including a description of their own actions and those of the police officer(s). The information presented throughout this chapter was collected through this survey and interviewing process.

Street Youth and Criminal Involvement

The police should stop picking on easy targets. They need to focus on the real criminals. (Male street youth)

Canadian research consistently shows that street youth are, on average, more involved in crime than youth who have stable housing (Baron et al., 2001; Baron &

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4. In a semi-structured interview, researchers work from a fixed list of questions, but may change or add questions in order to get a fuller picture of the experience of the person being interviewed.
 5. Justice for Children and Youth (JFCY) provides select legal representation to low-income children and youth in Toronto and vicinity. They are a non-profit legal aid clinic that specializes in protecting the rights of those facing conflicts with the legal, education, social service or mental health systems. JFCY runs a specialized outreach and education program called Street Youth Legal Services (SYLS). For more information, please refer to their website at <http://www.jfcy.org>

Hartnagel, 1997; Hagan & McCarthy, 1997; Tanner & Wortley, 2002). According to this research, the kind of criminal activities homeless youth typically engage in range from shoplifting of food and clothing, to consuming illegal drugs or drinking in public, to more serious yet minor assaults. A small percentage also engages in more serious offences such as serious assaults, robbery, and drug dealing. Our findings were largely consistent with these studies. For instance, we found that marijuana use was the most commonly reported deviant activity engaged in by our young participants, followed by selling marijuana (with 75% and 36% of participants reporting these, respectively). A minority of youth were involved in violent crime as well, with 15% reporting having beaten someone badly and 20% reporting they had used a weapon in committing a crime. As shown in previous research (Baron, 2008; Tanner & Wortely, 2002), these rates of offending are without a doubt higher than for young people in the general population.

Crimes Committed in the Past 12 Months	
Violent	
Beaten someone badly	15%
Used a weapon to commit a crime	20%
Property	
Stolen money from a person	19%
Stolen food	22%
Stolen clothes or shoes	20%
Stolen something in order to sell it	8%

Drug-Related Offences in the Past 12 Months	
Selling Illegal Drugs	
Sold Cannabis	36%
Sold Crack Cocaine	17%
Sold other drugs	20%
Illegal Drug Use (Once a month or more)	
Cannabis	75%
Powder cocaine	22%
Crack cocaine	12%
LSD	13%

However, like previous research by Hagan and McCarthy (1997), our findings suggest that at least some of the criminal behaviour committed by our participants is a response to the challenges of living on the street. For instance, in our study 20% of the participants stole food in the past twelve months and 22% stole clothes or shoes. While these are criminal acts, they are likely motivated by hunger and the need for clothing. It should also be noted that many survival strategies used by street youth are *quasi-legal* and may also be treated as deviant acts that draw police attention (for instance, sex trade work, squeegee cleaning, and panhandling) (Gaetz & O’Grady, 2002). The reality of life on the street often requires that street youth break the law at some time or another. Certainly not all young people who are street-involved commit criminal offenses. However, given the large number of street-involved youth involved in many different forms of criminal activity, it may not be surprising that they are closely monitored by the police.

Does Criminal Involvement Account for the High Degree of Police Attention?

The cops actually went to the point where they patted me down and checked my pockets. I asked them why they were stopping us. They just said, 'Don't ask questions'. (Male street youth)

This research clearly shows that some young people on the street are involved in violent and/or property crimes, as well as using and selling illegal drugs. The question then becomes whether this criminal involvement entirely explains the extra attention they receive from police officers. To examine this question, we asked our participants about the types of encounters they had with the police in the past twelve months. First, we reviewed what were considered supportive encounters with police (i.e. when a police officer stopped to help a young person or when the youth were known to police as victims). Given that homeless youth are likely to be the victims of crime (Gaetz, 2004; 2009; Gaetz et al., 2010), a high level of police contact can be expected. In fact we did find some evidence of this, with 25% of our sample reporting supportive encounters. Additionally, almost 14% reported receiving help from the police, as when an officer took them to a shelter.

Reasons for Reported Contact with the Police (At Least Once) in the Past 12 Months			
	Total	Female	Male
Victim of a crime	25%	34%	21%
Witness to a crime	19%	32%	13%
Police stopped to help	14%	11%	15%
Asked to "move on"	37%	22%	44%
Asked for identification	60%	32%	74%
Had name run (CPIC)	45%	23%	56%
Given a ticket	33%	20%	39%
Were arrested	44%	34%	49%

However, while street youth do report having some positive encounters with police officers in Toronto, the majority of the youth considered their interactions to be mostly negative. Among our participants, 78% reported at least one negative encounter with police in the past year. For example, when asked about their interactions with the Toronto Police Service in the past twelve months, 60% of our participants had been stopped and asked to show identification, 45% had their name searched in the police database, 44% had been arrested, and 37% were asked to move out of a public space on at least one occasion.

The question we need to consider is whether these negative interactions with police are due to these young people's involvement in criminal activity. Utilizing statistical analysis⁶ we found two significant findings. First, as perhaps expected, the strongest and most consistent predictor of police contact was previous involvement in criminal activity and/or the use of illegal drugs within the past year. In this sense, involvement in criminal activity does account for at least some of the frequent encounters these young people have with members of the Toronto Police Service.

The second key finding, however, suggests that criminal involvement is not the only predictor of police encounters. Our analysis showed that males were more likely to have direct contact with the police. Additionally, being a male street youth also predicted multiple police encounters (83% of males reported multiple contacts in the past year, compared to 63% of females).

That homeless men attract police attention is not a new finding (Novac et al., 2009). However, what is important to note is that these young men reported high rates of police encounters *regardless* of their criminal involvement. That is, those who were not involved in crime also reported being frequently stopped by the police. Males who reported not having committed a property or violent crime in the past year⁷ still received a lot of police attention: in the past twelve months 34% had been arrested, 32% had been asked to "move on", 21% had received a ticket, 64% had been asked for ID, and 52% had their names searched.

This pattern of engagement with police did not apply to the females in our study. The young women with no criminal involvement in the past year reported significantly lower levels of police contact. We also found that race and age only weakly predicted the kinds of negative encounters the young men frequently reported. It is particularly interesting that age, gender, and race do not predict police encounters for young women, given that these are all important factors in the risk of being victimized on the street (Gaetz et al., 2010). While our findings do not suggest racial profiling, they do indicate social profiling and the criminalization of homelessness in Toronto, especially in the case of young men. Given these findings, we can reasonably argue that while criminal involvement is a factor in these young people's frequent interactions with the police it is not the only reason they are targeted for surveillance. Our research showed that even those youth who are not involved in crime have frequent contact with police officers. One sign of these interactions is the number of tickets street youth collectively receive.

6. Multiple regression analysis is a statistical technique for estimating the relationships among variables.

7. This does not include illegal drug use.

The Ticketing of Street Youth in Toronto

As previously discussed, part of the criminalization of homelessness has been due – in recent years – to the increase in Canadian legislation aimed at discouraging certain behaviours common among homeless individuals (Bellot et al., 2005; 2008; forthcoming; Sylvestre, 2010a; b; 2011). Researchers have taken a particular interest in the use of laws that target the homeless, such as anti-camping, squeegeeing, and panhandling regulations (Hermer & Mosher, 2002; Esmonde, 2002; Parnaby, 2003). The Ontario Safe Streets Act, for instance, is a controversial law that has been at the centre of one book, *Disorderly People*, which presents a variety of papers focusing on its legal and ethical implications (Hermer & Mosher, 2002). A few years later proposed Safe Streets legislation in Nova Scotia provoked researchers to compile a similar book, *Poverty, Regulation and Social Justice*, to oppose it on the same legal and ethical grounds (Crocker & Johnson, 2010).

One of the most controversial aspects of this type of legislation is the authority it gives the police to issue tickets for behaviours mostly specific to homeless individuals (such as sleeping outside, sitting on sidewalks, squeegeeing, and panhandling). While it is not admitted that these laws are anti-homeless in nature, it is clear that targeting behaviours common among homeless individuals is a (not so veiled) attempt to regulate the homeless population as a whole. In our study, ticketing was one of the most common reasons young people were approached by the police – and also one of the most common outcomes of encounters with the police.

Two key findings regarding Toronto police ticketing practices are important in relation to street youth. First, the percentage of young people who are homeless and who receive tickets is high. In our study, 33% of the participants had received at least one ticket in the past year (with males more likely to report this than females, at 39% versus 20%). Additionally, 16% had been ticketed on multiple occasions and/or been given more than one ticket at a time. Several youth characteristics increased the chances they would receive certain tickets: being male, engaging in criminal behaviour and/or being under the age of 20. Importantly, while black or Aboriginal youth did not report more encounters with police, they were in fact more likely to receive tickets because of these encounters.

The first key finding of this study – that street youth experience an unusually high number of encounters with police – offers some support for the argument that the criminalization of homelessness is happening in Toronto. However, the second key finding regarding ticketing shows this even more clearly. When we look at the reasons youth are receiving tickets a clear pattern emerges: young people are being punished for engaging in activities that result directly from being homeless. For instance, many of these tickets stem from a lack

of private space in which to engage in adolescent activities. This can be seen in the percentage of participants who received tickets for drinking in public (23%), hanging out with friends in a public place (21%), sitting in the park (14%), using drugs in public (13%) and sitting on a sidewalk (8%). Several of these tickets were also a result of the survival strategies of these young people, such as choosing to sleep in a public place (10%), which is often done for protection, and earning money through panhandling or squeegeeing (10%).

Drinking in public	23%
Hanging out with friends	21%
Sitting in the park	14%
Walking down the street	14%
Using drugs in public	13%
Sleeping in a public place	10%
Panhandling or squeegeeing	10%
Jaywalking	9%
Sitting on a sidewalk	8%

Many of the participants admitted that they were in fact breaking the law at the time they received the ticket. However, not all of the youth felt the tickets were deserved. For instance, in our study one third of those who reported receiving a ticket believed the charges to be unfair, since they were not committing an offense at the time. Additionally, many felt they were singled out for offences the average person would not be cited for (such as the 14% who were ticketed for walking down the street and the 9% who were ticketed for jaywalking). The perception of unfair ticketing practices serves to reinforce their beliefs that ticketing is a form of harassment of street youth by the Toronto Police Service. Many believed that whether they were technically breaking the law or not, police were trying to discourage them from occupying public spaces in the downtown area. Further, they believed that housed youth would be much less likely to receive tickets for the same actions, even if in violation of the law.

According to the youth we interviewed, this perceived police harassment was most likely to occur in the downtown area of Toronto, with 54% saying they had received at least one ticket downtown in the past twelve months. This is perhaps not surprising, given that the downtown core is a busy area filled with stores, office towers, restaurants, condominiums, and sporting and entertainment venues. It is also the area of the city with the most services for homeless people, including homeless youth. Research on ticketing and arrests of home-

less persons in Los Angeles (Culhane, 2010) indicates that the concentration of homelessness services in one area is likely to increase the level of police attention. This was certainly true in our study as well. The parts of the city that are policed by 14, 51, and 52 Divisions (i.e. the downtown sections of the city) were, according to the youth, the areas where ticketing was most likely to occur. Additionally, several youth stated that they were most likely to receive tickets when directly outside the doors of agencies serving street youth (such as Evergreen in 52 Division and Youthlink Inner City in 14 Division⁸).

The findings of this study very clearly indicate that street youth in Toronto generally feel they receive an undeserved amount of police attention. While police encounters may result from criminal behaviour on the part of some street youth, our research shows that even those not engaged in criminal activity are also subject to strict law enforcement practices. This is particularly true for males, who attract police attention regardless of whether they are involved in criminal activity. Lacking private space, these young people – both male and female – come under surveillance and face punishment under urban disorder-based legislation like the Ontario Safe Streets Act. The practice of targeting the behaviours of homeless individuals, such as sleeping outside, sitting on the sidewalk, and soliciting others for money, often results in police encounters and tickets for these youth. We argued this can be seen as the criminalization of homelessness, which has been supported by our research findings. The last question we consider is the effect that these police encounters have on the young people who live on the streets of Toronto.

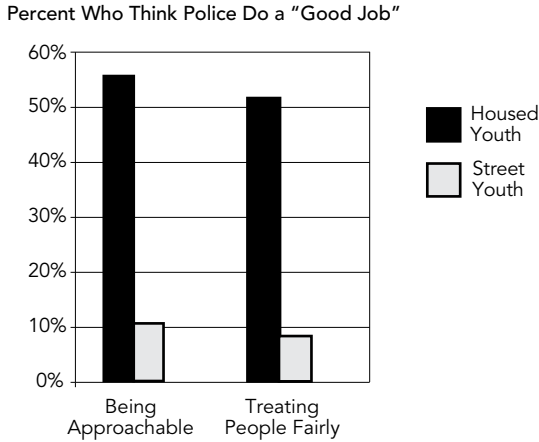
What are the Effects of these Policing Practices on Street Youth?

The problem with the criminalization of homelessness is that it's not resolving the roots of homelessness, but causing more problems for people who are homeless. There are so many other social services that could be provided. I get so bogged down in the tickets and into the heavy policing and the harm that youth are feeling when they get involved with police, it is devastating for them. (Johanna Macdonald, Lawyer, Justice for Children & Youth)

The seemingly excessive attention homeless youth receive from police has its consequences. Homeless youth tend to see encounters with the police as harassment, feeling that the attention they receive is unfair. As a result of these encounters, homeless youth develop very negative attitudes about police officers, policing in general, and the criminal justice system. When compared

8. In the time since this research was conducted Youthlink Inner City has closed its doors and Evergreen has begun to reduce its services as well.

to young Canadians who are housed, street-involved youth are much more likely to view police in very negative terms. For instance, while 56% of the general public under the age of 25 think the police do a good job of “being approachable and easy to talk to,”⁹ only 11% of street youth feel the same way. Additionally, while 52% of young people in the general public think the police do a good job of “treating people fairly,” just 8% of street youth feel this way.



No doubt part of this dislike stems from the relatively high rates of physical encounters these young people reported having with police officers in Toronto. Whether they were being charged with an offense or not, many street youth reported being mistreated by the police in ways they believed other youth would not be treated. Most serious were the street youth’s reports of violent encounters with the police. Our interviews revealed a number of incidents where police used violence during arrests, often injuring the youth. In fact, 42% of the street youth we interviewed said that the police had used force against them in the past. Perhaps not surprisingly, given our previous findings, males were more likely to report this than females (48% versus 24%). Just as concerning, almost half of the respondents who reported physical encounters with the police stated that it happened on more than one occasion.

These statistics are alarming. However, many of the youth in our study spoke about physical encounters with the police as though they were routine and unremarkable. When asked to describe these encounters, those who had been shoved or pushed around by a police officer generally defined the interactions as, “nothing serious” because they had not been physically injured. In one interview, a young woman stated, “It was nothing too serious but I did have some

9. Statistics Canada (2004) General Social Survey on Victimization, Cycle 18

stomach pain. I was 5 months pregnant.” Another youth responded, “Oh yeah, I was hurt for two weeks. My whole face was black from bruises.” The issue of police violence is complex and often misunderstood, in part due to the fact that the police are allowed to use force if necessary to enforce the law. As a result, one cannot argue that all incidents of reported violence involving the police constitute misconduct. The problem is defining an appropriate use of force.

Street youth appear to have a fairly sophisticated understanding of policing and the situations in which police will – and are allowed to – use force. They are generally able to distinguish reasonable (or at least justified) actions of police officers from those considered inappropriate or a violation of the law. Many have fairly mainstream attitudes about policing and respect the fact that police ‘have a job to do’. To gain a better understanding of the situations that turned physical, we asked respondents what they had been doing before their encounter with the police. There was a variety of responses. The majority of our interview participants appeared willing to admit cases where their own behaviour (such as resisting arrest and/or being under the influence of substances) may have contributed to the violence.

While many stated they had done nothing wrong, there were others (mostly males) who attracted police attention because of public drug and/or alcohol use. Some youth reported that they had provoked the officer or resisted arrest while intoxicated. Such provocation may result in the use of force by police. Indeed, poor attitude, being under the influence of alcohol or drugs, and being someone the police consider to be a regular troublemaker are all factors that have been found to predict apprehension and arrest (Doob & Cesaroni, 2004). Many youth in our sample fit this profile. Nevertheless, negative encounters with police – particularly those involving the use of force – contribute to the negative attitudes many homeless youth have about police officers, policing, and the justice system.

The negative perceptions that street youth hold and the threat that police encounters will turn violent are both serious consequences of the criminalization of homelessness. However, there are also more long-term effects that need to be considered. This mostly has to do with ticketing, as previously discussed. Many homeless youth accumulate a large number of tickets for minor offences related to being homeless (such as sleeping outside, sitting on a sidewalk, and soliciting others for money). Whether or not individual police officers think youth will pay these tickets, the assumption seems to be that the fines will be a deterrent. However, because these young people are homeless and living in poverty, they are generally unable to pay. The continued use of tickets for minor offences can lead to the accumulation of debt. In our study, of those who reported receiving at least one ticket in the past

twelve months, only 30% stated they had paid the fine(s)¹⁰. As a group, the youth who had outstanding tickets owed a total of \$45,150 and individual debts ranged from \$65 to as high as \$20,000 for one young man.

All of this creates challenges for young people attempting to move forward with their lives. Virtually all street youth want to move off the streets at some point. Unfortunately, even those who are in the process of becoming more stable – obtaining an apartment, getting a job, and/or attempting to finish school – may carry a debt load from their time on the street. The tickets that are accumulated become a debt that does not disappear, as municipal governments contract with collection agencies to enforce repayment of fines, which in some cases can amount to thousands of dollars.

The criminalization of homelessness thus not only has a negative effect on young people while they are on the street, that can continue as they try to move off it. Despite political talk of maintaining order in cities, our research shows that legislation and practices aimed at criminalizing homelessness tend to have the opposite effect. Many young people acquire such a considerable debt as a result of ticketing that they are unable to move off the street, essentially keeping this “disorderly” population firmly rooted in place.

Addressing the Criminalization of Homelessness

Every kind of peaceful cooperation among men is primarily based on mutual trust and only secondarily on institutions such as courts of justice and police. (Albert Einstein)

Street youth are heavily policed in the city of Toronto. As this research has shown, part of the increased attention they receive is due to criminal behaviour on the part of some youth. However, not all young people who report frequent interactions with police are involved in criminal activity. Young men in particular are targeted by police (that is, they are stopped, searched, asked for ID, etc.), even if they have no involvement in criminal behaviour. Many youth report that these encounters sometimes turn violent and that they are often issued tickets for behaviours that would be overlooked if committed by housed youth. These repeated encounters have negative effects for these young people, as they come to think negatively of police officers and the justice system – a problem given the high rates of victimization they experience (Gaetz et al., 2010). Additionally, the debt they incur from tickets generally goes unpaid

10. The tickets that did get paid were generally for motor vehicle infractions. Ontario Safe Streets Act tickets, drinking in public, and other provincial statute violations were the least likely to get paid.

and the financial burden keeps them from moving off the street. This response to homelessness – the repeated targeting of non-criminal homeless youth and the ticketing of behaviours such as sleeping outside, sitting on sidewalks, and soliciting for money – can be thought of as the criminalization of homelessness.

While many Canadians – including politicians – have become comfortable with the criminalization of homelessness as a strategic response to a seemingly persistent problem, we argue that we need to find another way to deal with the issue. The criminalization of homelessness is not merely about policing and policing practices, but rather reflects a broader effort to make this form of extreme poverty less visible. When our response to homelessness does not adequately provide resources to people so that they can avoid homelessness, or at least help those in crisis move out of homelessness quickly, then we are left with a visibly poor population occupying public space. Criminalizing that population is not the answer. A strategy that houses and supports people who are in poverty would be a more humane and affordable solution. However, unless homelessness becomes a *political problem* that is viewed in these terms in Canada, street youth will continue to roam our streets.

We suggest that communities need to take action to help these young people move off the street and out of homelessness. One strategy would be to instate amnesty programs in which people who are homeless could clear their records. The accumulation of minor charges is a barrier many youth face when trying to move off the street. Many people who are homeless accumulate debts that can amount to thousands of dollars. In some areas in the United States, ‘homelessness courts’ have been established where, similar to drug courts, people can have charges reduced or dismissed in exchange for community service. We argue for an amnesty program instead, as many of the charges against people who are homeless are considered unfair and/or the result of being homeless. Provincial and city prosecutors should work together to create policies and strategies that move homeless people out of the justice system – including simply withdrawing charges – to help people reduce or eliminate their debt from ticketing. Such a strategy should include rigorous pre-screening as well as discussions with local Police Services.

The police need to develop and put in place alternative approaches to dealing with young people who are homeless. Central to this effort should be an examination of existing practices – including ever-increasing use of the Ontario Safe Streets Act (O’Grady et al., 2011) – that target people who are homeless through increased police attention. While the police should enforce the law when crimes are being committed, evidence from our research suggests that policing is also being used to address broader social and economic problems. Because there is evidence of social profiling, measures should be taken to ensure that members of the Toronto Police Service do not target homeless people for enforcement. A

cultural shift is needed so that police view homeless people (including homeless youth) as being “in need of housing” as opposed to having “no fixed address”.

The issuing of tickets and fines to young people who are homeless, living in poverty, and who have a limited ability to pay, goes against the spirit of both the Criminal Code of Canada and the Youth Criminal Justice Act, both of which recommend compassion in such situations. Often, street youth feel so completely incapable of making any sort of fine payment, that they cannot imagine challenging the ticket in any way. Each day, street youth are focused on the immediate concern of finding enough food, clothing, and safe shelter. They are also profoundly alienated from, and distrustful of, both police and the justice system. Challenging tickets, asking for reductions, or paying any fine amount, is not a concern for street youth. Our research suggests that an environment has been created in Toronto where street youth have lost trust in the police. Rather than being viewed as vulnerable young citizens in need of added protection, an attitude of control has been created where street youth, as a group, are perceived as a threat. If the policing of street youth is to be informed and understood within this context, then it is clear that criminalizing homelessness is not the solution to the problem, but rather a costly mistake.

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